IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

CRL.A.No. 254 of 2001()

CC.529/1998 of JUDL.MAGISTRATE OF FIRST CLASS-III, KOTTAYAM DT.18.1.2001.
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APPELLANT: COMPLAINANT

M/S.KNTEGRATED FINANCE CO.LTD.,
C.S.I. COMMERCIAL COMPLEX , BAKER JUNCTION,
KOTTAYAM – 1, REP.BY ITS POWER OF ATTORNEY HOLDER, V.M.THOMAS.

BY ADV. SRI.T.P.VARGHESE
SRI.PHILIP T.VARGHESE

RESPONDENTS: ACCUSED
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1. **STATE OF KERALA, REP.BY THE PUBLIC PROSECUTOR , HIGH COURT OF KERALA, ERNAKULAM.**

2. **JAYMON JOSEPH, VALIYAMURATHUMKAL HOUSE,. ULLANADU P.O., PALAI**

BY PUBLIC PROSECUTOR SRI.AMJAD ALI.

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO.254 OF 2001

DATED THIS THE 12 th July 2007

JUDGMENT

The appellant is the complainant in C.C.No. 529/1998 in the file of the Judicial Magistrate of First Class-III, Kottayam with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal procedure. It is the case of the appellant that on the particular day, he happened to be absent on account of unforeseen events. Application to excuse his absence was filed.

In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 10-8-2007. The court below shall issue summons to the accused/respondent. The appeal is allowed.

K.R. UDAYABHANU, JUDGE

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K.R. UDAYABHANU,J.

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CRL.A.NO.254 of 2001

JUDGMENT

12-7-2007

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K.R.UDAYABHANU, JUDGE

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